

pays either to creditors, legatees or distributees, by order of the court, he is protected by the order—the court having full jurisdiction in the matter and the executor compelled to obey, and all persons interested, being either parties or having notice given in the usual manner to present their claims, a decree of the ecclesiastical court is also conclusive on the parties, and cannot be reversed by the Chancery Court.

In one of the cases, the Chancellor says, he “never heard of such a case. What executor would be safe, if he was liable to answer for a distribution of assets made under a decree of the court?” All these cases apply to our Chancery Court, having general jurisdiction in matters of trust, and therefore, the trustee, B. Ogle, is safe in having paid over the proceeds of the real estate in pursuance of the Chancellor’s order, although that order was erroneous. But the Orphans Court has no such jurisdiction; none, indeed, except what is given it by the legislature. It is expressly forbidden by sub ch. 15, sec. 20, of 1798, ch. 101, to exercise any other; see also *Scott vs. Burch*, 6 H. & J., 79; 2 H. & G., 120. The powers, if given, must be also exercised in accordance with the grant, which we have seen has not been done in this case.

The distributions made in 1828 are liable to most of the objections to the authority of the court, and with greater force, some of the complainants being then *in esse* and infants. The complainants living at the death of Mrs. Bevans, are entitled to an account of the personal estate of H. M. Ogle, against the personal representatives of B. Ogle, as executor and trustee, and are entitled to their proportion of the balance of his final account, passed the 24th February, 1816, and also their proportion of the amount distributed between the Bevans, on the 1st day of October, 1828. The amount allowed to Mrs. Bevans, he would seem at present not to be accountable for, but as that may be elucidated by further testimony, no decision will be made on that point until the Auditor’s accounts are returned. In taking the account, B. Ogle will be chargeable with any amount which can be shown to have been received by him, or which he ought to have received from Howard Duvall.